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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
The Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ESTATE OF BERNARD J. KESSEL; THE
BERNARD KESSEL INC. PENSION PLAN AND
TRUST; RICHARD KESSEL, in his capacity as
Successor Executor of the Estate of Bernard Kessel
and Successor Trustee of the Bernard Kessel Inc.
Pension Plan and Trust; THE ESTATE OF IRIS
STEEL; and STEPHEN J. KRASS in its capacity
as Executor of the Estate of IRIS STEEL,

Defendants.

Adv. Pro. No. 10-05144 (CGM)

NOTICE OF MEDIATOR SELECTION

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)¹ [Adv. Pro. No. 08-01789 (CGM), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on December 1, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, on December 1, 2021, the Trustee filed with this Court the Notice of Mediation Referral [Dkt. No. 54], wherein the Trustee and Defendants (the “Parties”) jointly agreed to enter mediation without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select Deborah Reperowitz to act as Mediator in this matter. The Parties further agree to contact Ms. Reperowitz as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person’s law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: December 8, 2021
New York, New York

Of Counsel:

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Kessel, the Bernard J. Kessel Inc. Pension
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capacity as Successor Executor of the Estate
of Bernard Kessel and Successor Trustee of
the Bernard Kessel Inc. Pension Plan and
Trust, The Estate of Iris Steel, and Stephen J.
Krass in his capacity as Executor of the
Estate of Iris Steel.*